

108TH CONGRESS  
1ST SESSION

# S. 108

To provide emergency disaster assistance to agricultural producers.

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IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2003

Mr. NELSON of Nebraska introduced the following bill; which was read twice  
and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To provide emergency disaster assistance to agricultural  
producers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Agricul-  
5 tural Disaster Assistance Act of 2003”.

6 **SEC. 2. CROP DISASTER ASSISTANCE.**

7 (a) IN GENERAL.—The Secretary of Agriculture (re-  
8 ferred to in this Act as the “Secretary”) shall use such  
9 sums as are necessary of funds of the Commodity Credit  
10 Corporation to make emergency financial assistance au-  
11 thorized under this section available to producers on a

1 farm that have incurred qualifying crop losses for the  
 2 2001 or 2002 crop, or both, due to damaging weather or  
 3 related condition, as determined by the Secretary.

4 (b) ADMINISTRATION.—The Secretary shall make as-  
 5 sistance available under this section in the same manner  
 6 as provided under section 815 of the Agriculture, Rural  
 7 Development, Food and Drug Administration, and Re-  
 8 lated Agencies Appropriations Act, 2001 (Public Law  
 9 106–387; 114 Stat. 1549A–55), including using the same  
 10 loss thresholds for the quantity and quality losses as were  
 11 used in administering that section.

12 (c) CROP INSURANCE.—In carrying out this section,  
 13 the Secretary shall not discriminate against or penalize  
 14 producers on a farm that have purchased crop insurance  
 15 under the Federal Crop Insurance Act (7 U.S.C. 1501 et  
 16 seq.).

17 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

18 (a) IN GENERAL.—The Secretary shall use such  
 19 sums as are necessary of funds of the Commodity Credit  
 20 Corporation as are necessary to make and administer pay-  
 21 ments for livestock losses to producers for 2001 or 2002  
 22 losses, or both, in a county that has received a cor-  
 23 responding emergency designation by the President or the  
 24 Secretary, of which an amount determined by the Sec-  
 25 retary shall be made available for the American Indian

1 livestock program under section 806 of the Agriculture,  
2 Rural Development, Food and Drug Administration, and  
3 Related Agencies Appropriations Act, 2001 (Public Law  
4 106–387; 114 Stat. 1549A–51).

5 (b) ADMINISTRATION.—The Secretary shall make as-  
6 sistance available under this section in the same manner  
7 as provided under section 806 of the Agriculture, Rural  
8 Development, Food and Drug Administration, and Re-  
9 lated Agencies Appropriations Act, 2001 (Public Law  
10 106–387; 114 Stat. 1549A–51).

11 **SEC. 4. FUNDING.**

12 Of the funds of the Commodity Credit Corporation,  
13 the Secretary shall—

14 (1) use such sums as are necessary to carry out  
15 this Act; and

16 (2) transfer to section 32 of the Act of August  
17 24, 1935 (7 U.S.C. 612c), an amount equal to the  
18 amount of funds under section 32 of that Act that  
19 were made available before the date of enactment of  
20 this Act to provide disaster assistance to crop and  
21 livestock producers for losses suffered during 2001  
22 and 2002, to remain available until expended.

23 **SEC. 5. REGULATIONS.**

24 (a) IN GENERAL.—The Secretary may promulgate  
25 such regulations as are necessary to implement this Act.

1 (b) PROCEDURE.—The promulgation of the regula-  
 2 tions and administration of this Act shall be made without  
 3 regard to—

4 (1) the notice and comment provisions of sec-  
 5 tion 553 of title 5, United States Code;

6 (2) the Statement of Policy of the Secretary of  
 7 Agriculture effective July 24, 1971 (36 Fed. Reg.  
 8 13804), relating to notices of proposed rulemaking  
 9 and public participation in rulemaking; and

10 (3) chapter 35 of title 44, United States Code  
 11 (commonly known as the “Paperwork Reduction  
 12 Act”).

13 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
 14 MAKING.—In carrying out this section, the Secretary shall  
 15 use the authority provided under section 808 of title 5,  
 16 United States Code.

17 **SEC. 6. EMERGENCY DESIGNATION.**

18 (a) IN GENERAL.—The entire amount made available  
 19 under this Act shall be available only to the extent that  
 20 the President submits to Congress an official budget re-  
 21 quest for a specific dollar amount that includes designa-  
 22 tion of the entire amount of the request as an emergency  
 23 requirement for the purposes of the Balanced Budget and  
 24 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et  
 25 seq.).

1 (b) DESIGNATION.—The entire amount made avail-  
2 able under this section is designated by Congress as an  
3 emergency requirement under sections 251(b)(2)(A) and  
4 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

5 **SEC. 7. BUDGETARY TREATMENT.**

6 Notwithstanding Rule 3 of the Budget Scorekeeping  
7 Guidelines set forth in the Joint Explanatory Statement  
8 of the Committee of Conference accompanying Conference  
9 Report No. 105–217, the provisions of this Act that would  
10 have been estimated by the Office of Management and  
11 Budget as changing direct spending or receipts under sec-  
12 tion 252 of the Balanced Budget and Emergency Deficit  
13 Control Act of 1985 (2 U.S.C. 902) were it included in  
14 an Act other than an appropriation Act shall be treated  
15 as direct spending or receipts legislation, as appropriate,  
16 under section 252 of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985 (2 U.S.C. 902).

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